

Senate Amendment 3021

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1 1 Amend House File 171, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 14, by inserting after line 27 the
1 4 following:
1 5 <Sec. _____. Section 161B.1, subsection 2, Code
1 6 2003, is amended to read as follows:
1 7 2. The department of agriculture and land
1 8 stewardship shall report annually to the senate
1 9 ~~standing committees committee on energy natural~~
1 10 ~~resources and environment and the house of~~
1 11 ~~representatives standing committee on environmental~~
1 12 ~~protection of the house and senate~~ on the projects
1 13 conducted with the agricultural energy management
1 14 fund.>
1 15 #2. Page 19, by inserting after line 16 the
1 16 following:
1 17 <Sec. _____. Section 303A.6, subsection 3, Code
1 18 2003, is amended to read as follows:
1 19 3. Upon approving a grant, the board shall certify
1 20 to the treasurer of state the amount of financial
1 21 assistance payable from the ~~trust grant~~ account to the
1 22 qualified organization whose grant application is
1 23 approved.>
1 24 #3. Page 19, by inserting after line 23 the
1 25 following:
1 26 <Sec. _____. Section 307.27, subsection 8, Code
1 27 2003, is amended to read as follows:
1 28 8. Administer the registration of interstate
1 29 ~~commerce commission~~ authority of motor carriers
1 30 pursuant to chapter 327B as provided in 49 U.S.C. }
1 31 14504 and United States department of transportation
1 32 regulations.>
1 33 #4. Page 20, by inserting after line 25 the
1 34 following:
1 35 <Sec. _____. Section 327B.1, subsections 1 through
1 36 3, Code 2003, are amended to read as follows:
1 37 1. It is unlawful for a carrier to perform an
1 38 interstate transportation service for compensation
1 39 upon the highways of this state without first
1 40 registering the authority obtained from the ~~interstate~~
1 41 ~~commerce commission United States department of~~
1 42 ~~transportation~~ or evidence that such authority is not
1 43 required with the state department of transportation.
1 44 2. The department shall participate in the single
1 45 state insurance registration program for regulated
1 46 motor carriers as provided in 49 U.S.C. } ~~11506~~ 14504
1 47 ~~and interstate commerce commission United States~~
1 48 ~~department of transportation~~ regulations.
1 49 3. Registration for carriers transporting
1 50 commodities exempt from ~~interstate commerce commission~~
2 1 United States department of transportation regulation
2 2 shall be granted without hearing upon application and
2 3 payment of a twenty-five-dollar filing fee and an
2 4 annual one-dollar fee per vehicle.
2 5 Sec. _____. Section 327B.7, Code 2003, is amended to
2 6 read as follows:
2 7 327B.7 RECIPROCITY FOR EXEMPT COMMODITY BASE STATE
2 8 REGISTRATION SYSTEM.
2 9 The department may enter into a reciprocity
2 10 agreement on behalf of this state with authorized
2 11 representatives of other states to become a member of
2 12 an exempt commodity base state registration system for
2 13 the registration, insurance verification, and fee
2 14 collection for carriers hauling commodities exempt
2 15 from ~~interstate commerce commission United States~~
2 16 ~~department of transportation~~ authority.
2 17 Sec. _____. Section 327C.22, Code 2003, is amended
2 18 to read as follows:
2 19 327C.22 INTERSTATE FREIGHT RATES.
2 20 The department shall exercise constant diligence to
2 21 ascertain the rates, charges, rules, and practices of

2 22 common carriers operating in this state, in relation
2 23 to the transportation of freight in interstate
2 24 business. When it shall ascertain from any source or
2 25 have reasonable grounds to believe that the rates
2 26 charged on such interstate business or the rules or
2 27 practices in relation thereto discriminate unjustly
2 28 against any of the citizens, industries, interests, or
2 29 localities of the state, or place any of them at an
2 30 unreasonable disadvantage as compared with those of
2 31 other states, or are in violation of the laws of the
2 32 United States regulating commerce, or in conflict with
2 33 the rulings, orders, or regulations of the ~~interstate~~
2 34 ~~commerce commission surface transportation board~~, the
2 35 department shall take the necessary steps to prevent
2 36 the continuance of such rates, rules, or practices.

2 37 Sec. _____. Section 327C.23, Code 2003, is amended
2 38 to read as follows:

2 39 327C.23 APPLICATION TO ~~INTERSTATE COMMERCE~~
2 40 ~~COMMISSION SURFACE TRANSPORTATION BOARD~~.

2 41 When any common carrier has put in force any rates,
2 42 rules, or practices in relation to interstate freight
2 43 business, in violation of the laws of the United
2 44 States regulating commerce, or of the orders, rules,
2 45 or regulations of the ~~interstate commerce commission~~
2 46 ~~surface transportation board~~, or shall unjustly
2 47 discriminate against any of the citizens, industries,
2 48 interests, or localities of the state, the department
2 49 shall present the material facts involved in such
2 50 violations or discrimination to the ~~interstate~~

3 1 ~~commerce commission surface transportation board~~ and
3 2 seek relief therefrom, and, if deemed necessary or
3 3 expedient, the department shall prosecute any charge
3 4 growing out of such violation or discrimination, at
3 5 the expense of the state, before the ~~interstate~~
3 6 ~~commerce commission surface transportation board~~.

3 7 Sec. _____. Section 327D.67, unnumbered paragraph 2,
3 8 Code 2003, is amended to read as follows:

3 9 The form of every schedule shall be prescribed by
3 10 the department and shall conform, in the case of
3 11 common carriers, as nearly as may be to the form
3 12 prescribed by the ~~interstate commerce commission~~
3 13 ~~United States department of transportation~~.

3 14 Sec. _____. Section 327D.72, Code 2003, is amended
3 15 to read as follows:

3 16 327D.72 INTERSTATE COMMERCE SCHEDULES.

3 17 When schedules and classifications required by the
3 18 ~~interstate commerce commission United States~~
3 19 ~~department of transportation~~ contain in whole or in

3 20 part the information required by the provisions of
3 21 this chapter, the posting and filing of a copy of such
3 22 schedules and classifications with the ~~interstate~~

3 23 ~~commerce commission United States department of~~
3 24 ~~transportation~~ shall be deemed a compliance with the
3 25 filing requirements of this chapter insofar as such
3 26 schedules and classifications contain the information
3 27 required by this chapter, and any additional or
3 28 different information may be posted and filed in a
3 29 supplementary schedule.

3 30 Sec. _____. Section 327D.200, Code 2003, is amended
3 31 to read as follows:

3 32 327D.200 INCONSISTENCY WITH FEDERAL LAW ==
3 33 RAILROADS.

3 34 If any provision of this chapter is inconsistent or
3 35 conflicts with federal laws, rules or regulations
3 36 applicable to railway corporations subject to the
3 37 jurisdiction of the ~~federal interstate commerce~~

3 38 ~~commission surface transportation board~~, the
3 39 department shall suspend the provision, but only to
3 40 the extent necessary to eliminate the inconsistency or
3 41 conflict.

3 42 Sec. _____. Section 327D.201, Code 2003, is amended
3 43 to read as follows:

3 44 327D.201 RAILROAD INTRASTATE RATES == RULES.

3 45 The department may issue rules relating to the
3 46 regulation of railroad intrastate rates,
3 47 classifications, rules and practices in accordance
3 48 with the standards and procedures of the ~~federal~~
3 49 ~~interstate commerce commission surface transportation~~
3 50 ~~board~~ applicable to rail carriers.

4 1 Sec. _____. Section 327G.61, subsection 2, Code
4 2 2003, is amended to read as follows:

4 3 2. "Spur track" means a railroad track located
4 4 wholly within the state connected to a main or branch
4 5 line of a railroad and used to originate or terminate
4 6 traffic at one or more industries or a railroad track
4 7 not subject to the jurisdiction of the ~~interstate~~
4 8 ~~commerce commission surface transportation board~~. A
4 9 spur track shall not include a railroad line used to
4 10 provide line-haul or intercity transportation.
4 11 Sec. _____. Section 327G.78, unnumbered paragraph 1,
4 12 Code 2003, is amended to read as follows:
4 13 Subject to sections 327G.77 and 6A.16, when a
4 14 railroad corporation, its trustee, or its successor in
4 15 interest has interests in real property adjacent to a
4 16 railroad right-of-way that are abandoned by order of
4 17 the ~~interstate commerce commission surface~~
4 18 ~~transportation board~~, reorganization court, bankruptcy
4 19 court, or the department, or when a railroad
4 20 corporation, its trustee, or its successor in interest
4 21 seeks to sell its interests in that property under any
4 22 other circumstance, the railroad corporation, its
4 23 trustee, or its successor in interest shall extend a
4 24 written offer to sell at a fair market value price to
4 25 the persons holding leases, licenses, or permits upon
4 26 those properties, allowing sixty days from the time of
4 27 receipt for a written response. If a disagreement
4 28 arises between the parties concerning the price or
4 29 other terms of the sale transaction, either or both
4 30 parties may make written application to the department
4 31 to resolve the disagreement. The application shall be
4 32 made within sixty days from the time an initial
4 33 written response is served upon the railroad
4 34 corporation, trustee, or successor in interest by the
4 35 person wishing to purchase the property. The
4 36 department shall notify the department of inspections
4 37 and appeals which shall hear the controversy and make
4 38 a final determination of the fair market value of the
4 39 property and the other terms of the transaction which
4 40 were in dispute, within ninety days after the
4 41 application is filed. The determination is subject to
4 42 review by the department and the department's decision
4 43 is the final agency action. All correspondence shall
4 44 be by certified mail.>
4 45 #5. Page 21, by inserting after line 24, the
4 46 following:
4 47 <Sec. _____. Section 384.63, subsection 3, Code
4 48 2003, is amended to read as follows:
4 49 3. When a private improvement is constructed on a
5 50 lot subject to a deficiency, during the period of
5 1 amortization, the council shall, by resolution, assess
5 2 a pro rata portion of the deficiency on that lot, in
5 3 the same proportion to the total deficiency on that
5 4 lot as the number of future installments of special
5 5 assessments remaining to be paid is to the total
5 6 number of installments of assessments for the project,
5 7 subject to the twenty-five percent limitation of
5 8 section 384.62. A deficiency assessment becomes a
5 9 lien on the property and is payable in the same
5 10 manner, and subject to the same interests as the other
5 11 special assessments. The council shall direct the
5 12 clerk to certify a deficiency assessment to the county
5 13 treasurer, and to send a notice of the deficiency
5 14 assessment by mail to each owner, as provided in
5 15 section 384.60, ~~subsection 5~~, but publication of the
5 16 notice is not required.>
5 17 #6. Page 21, line 32, by striking the word
5 18 <annually> and inserting the following: <on July 1 of
5 19 each fiscal year>.
5 20 #7. Page 22, by inserting after line 8 the
5 21 following:
5 22 <Sec. _____. Section 435.26, subsection 1, paragraph
5 23 a, Code 2003, is amended to read as follows:
5 24 a. A mobile home or manufactured home which is
5 25 located outside a manufactured home community or
5 26 mobile home park shall be converted to real estate by
5 27 being placed on a permanent foundation and shall be
5 28 assessed for real estate taxes. A home, after
5 29 conversion to real estate, is eligible for the
5 30 homestead tax credit and the military service tax
5 31 exemption as provided in sections 425.2 and 426A.11.>
5 32 #8. Page 27, line 12, by striking the word and
5 33 figures <504 or 504A> and inserting the following:

5 34 <504, Code 1989, or chapter 504A>.
5 35 #9. Page 30, by inserting after line 12, the
5 36 following:
5 37 <Sec. _____. Section 537.1303, subsection 10, Code
5 38 2003, is amended to read as follows:
5 39 10. "Pursuant to a credit card". Section
5 40 537.1301, subsection ~~17~~ 16.>
5 41 #10. By renumbering as necessary.
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5 45 COMMITTEE ON JUDICIARY
5 46 DONALD B. REDFERN, Chairperson
5 47 HF 171.701 80
5 48 lh/cl